

STATE BOARD REPORT

DIVISION OF PROFESSIONAL REGISTRATION
PUBLISHED BY THE MISSOURI BOARD OF EXAMINERS FOR
HEARING INSTRUMENT SPECIALISTS

Volume 8, Issue 1

October 2006

HEARING INSTRUMENT SPECIALISTS ISSUES OF CONCERN

Throughout this past year, the Board has dealt with many issues relating to the practice of fitting hearing instruments. The Board feels the following information is important to note for its licensees.

As you are aware, October 2005 became the first year hearing instrument specialists received a biennial license which will expire on December 31, 2007. The Board wants to make certain that all licensees are aware of this and understand that come this October you will not receive a renewal form from our office. However, when licensees renew their license that expires December 31, 2007 they will be required to demonstrate that they have attended a minimum of twenty-four (24) hours of approved hearing instrument programs during the reporting period January 1, 2006 to December 31, 2007 and submit annual receipts of calibration. The rules and regulations do not specify how the twenty-four (24) hours of continuing education must be obtained. You may obtain the twenty-four (24) hours in one year or you can divide the hours up and obtain the twenty-four (24) hours over the two (2) year period.

After each renewal period, the Board conducts a random audit of licensees to verify compliance with the continuing education requirements. If you are selected to participate in the audit, a letter will be sent to you requesting that you provide the continuing education certificates to the Board. It is important to note that individuals chosen for the random audit are chosen via computer, therefore, some individuals may be selected each year.

Please make certain that you attend continuing education courses approved by the Board or by the organizations listed as pre-approved. The Board has had several instances of hours submitted that could not be used to satisfy the continuing education requirements. Continuing education programs attended that have not been previously approved by the Board, will not be accepted.

Also, the Board continues to have problems with individuals not obtaining a certificate of completion from the sponsoring organization. The certificate of completion must be submitted to the Board if you are selected in the random audit and must contain the name of the courses taken, dates, place, course sponsors, number of hours earned, etc. These records must be maintained for two (2) previous reporting periods in addition to the current reporting period.

All licensees should review and be familiar with 20 CSR 2165-2.050 Continuing Education Requirements and 20 CSR 2165-2.060 License Renewal. If you have any questions, regarding continuing education, please do not hesitate to contact our office.

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STATE BOARD REPORT

Governor

The Honorable Matt Blunt

Department of Insurance, Financial Institutions and Professional Registration

W. Dale Finke, Director

Division of Professional Registration

David Broeker, Director

BOARD OF EXAMINERS FOR HEARING INSTRUMENT SPECIALISTS

BOARD MEMBERS

Ervin Dock, Member, Springfield, MO
Roger Obermeier, Member, Jefferson City, MO
Linda Curbow, Au.D., Member, Springfield, MO
Linda Engelmann, Member, Liberty, MO
Theresa Parker, Member, Kansas City, MO
Martin Struckhoff, Member, Washington, MO
Lois Reine, Public Member, Jefferson City, MO

BOARD STAFF

Dana K. Hoelscher, Executive Director
Amity Jeffries, Administrative Assistant
Amber Wilde, Licensure Technician
Glen Webb, Assistant Attorney General

3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65109/65102
(573) 751-0240
(573) 526-3856 Fax
(800) 735-2966 TDD
behis@pr.mo.gov Internet
http://pr.mo.gov



STATE OF MISSOURI
Division of Professional Registration

This is an official publication of the Division of Professional Registration. Submit articles to: BEHIS, P.O. Box 1335, Jefferson City, MO 65102.

MESSAGE FROM DIVISION DIRECTOR

By: David Broeker, Division Director

My sincere appreciation to Governor Blunt for having appointed me the Director of the Division of Professional Registration beginning July 2. It is certainly a pleasure to serve in this position.

For the last 14+ years I owned and operated my own business in Jefferson City. Prior to that, I spent 17 ½ years in state government; in the Governor's Office, State Auditor's Office, and the Department of Agriculture.

As you probably know, the Governor issued Executive Order 06-04 on February 1, 2006, that created the Department of Insurance, Financial Institutions and Professional Registration. By a Type III transfer our division became a part of this new department on August 28. A type III transfer is the transfer of a department, division, agency, board, commission, unit, or program to the new department with only such supervision by the head of the department for budgeting and reporting. The Division of Professional Registration was previously a division within the Department of Economic Development.

I am most grateful to the Division's and Boards' staff for the support, advice, and counsel they have given me. This is truly a great group of people.

I look forward to working with all my associates in Professional Registration and continuing the excellent service the entire division has given the approximately 400,000 Missourians who are licensed and regulated and who represent 240 different trades and professions.

Please feel free to contact me if I can be of assistance to you. I look forward to working with you in the years to come.

STATE BOARD REPORT

MEET THE MEMBERS OF THE BOARD OF EXAMINERS FOR HEARING INSTRUMENT SPECIALISTS

The Missouri Board of Examiners for Hearing Instrument Specialists would like to take this opportunity to introduce the members of the Board. Listed below are the current members of the Board.



Ervin Dock
Springfield, MO
Chair
Term Expires: 1/11/09



Linda Engelmann
Liberty, MO
Member
Term Expires: 1/11/07



Roger Obermeier
Jefferson City, MO
Member
Term Expired: 2/2/06



Martin Struckhoff
Washington, MO
Member
Term Expires: 1/11/09



Linda Curbow, Au.D.
Springfield, MO
Vice-Chair
Term Expires: 1/11/08



Theresa Parker
Kansas City, MO
Member
Term Expires: 1/11/10



Lois Reine
Jefferson City, MO
Public Member
Term Expires: 1/1/08

CHAIR'S REPORT

By: Ervin Dock

On behalf of the Board, I would like to take this opportunity to welcome our newly appointed members, Martin Struckhoff and Theresa Parker. The Board looks forward to working with Mr. Struckhoff and Mrs. Parker as its newest members.

I would also like to thank Charlotte Connell and Scott George for their hard work and dedication to the Board. Mrs. Connell served as a member of the Missouri Board of Examiners for Hearing Instrument Specialists from August 17, 1998 to March 7, 2006. Mr. George served as a member of the Board from April 9, 2002 to April 18, 2006. Mrs. Connell and Mr. George were great assets to the Board and their presence and wealth of knowledge will be greatly missed.

Each year the Board reviews complaints where violations of the Practice Act have occurred. Many violations noted by the Board are violations that could have been prevented if the time was taken to review the purchase agreement requirements. It is important to remember that if a complaint is filed against your license and the records are not in compliance your license may be subjected to discipline. Therefore, please ensure that any and all contact you have with the patient has been documented in the records.

When the Board receives an official complaint against a hearing instrument specialist, the complaint is acknowledged and the hearing instrument specialist is requested to respond to the complaint and review the information provided. The Board also requests that the

hearing instrument specialist submit a photocopy of all pertinent documents, which should include the purchase agreement, actual audiograms, chart notes and all patient records that the hearing instrument specialist may have. There has been several instances when the Board has requested medical records on a case and upon receipt of the information determine that the hearing instrument specialist is not in compliance with the requirements pertaining to purchase agreements. The Board then has to decide if they feel the violation warrants discipline, an informal conference with the Board or if they should send the hearing instrument specialist a letter requesting all documentation on the patient. Therefore, the Board suggests that any and all records regarding the care provided to the patient be submitted along with the response to the Board.

It is also important to note that all tests shall be recorded in writing and retained in the patient's file for a period of three (3) years from the date of the test.

The information contained in this article is important for licensees to understand and to make certain that they are in compliance with not only the rules mentioned in this article but with all the laws and rules contained in the Hearing Instrument Specialist Practice Act and Rules. If you do not have a copy of the Practice Act and Rules, please contact our office and a copy will be forwarded to you or you may review the Practice Act and Rules on the Board's website, www.pr.mo.gov.

Executive Director's Report

By: Dana K. Hoelscher, Executive Director

Recently, the Board has had several individuals come before them to request permission to retake the examination a fourth time. If an applicant fails the written or practical examination three (3) times, the applicant and their supervisor must meet with the Board and present a written plan for passing the examination. It is important that all supervisors be aware of the responsibility and requirements of being a registered supervisor; therefore, you may wish to review Board Rules 20 CSR 2165-2.020 Supervisors. You may also wish to review 20 CSR 2165-3.010 (4) which states: "It shall be unethical for a registered supervisor of a hearing instrument specialist in training to-(A) Fail to provide the required training and supervision according to 20 CSR 2165-2.010 to a hearing instrument in training; or (B) Misrepresent, either directly or by implication, the process for review of the performance of a hearing instrument specialist in training." The supervisor is responsible for the hearing instrument specialist in training and may subject not only their supervisor registration but their hearing instrument specialist license to discipline if the Practice Act and Rules are not adhered to.

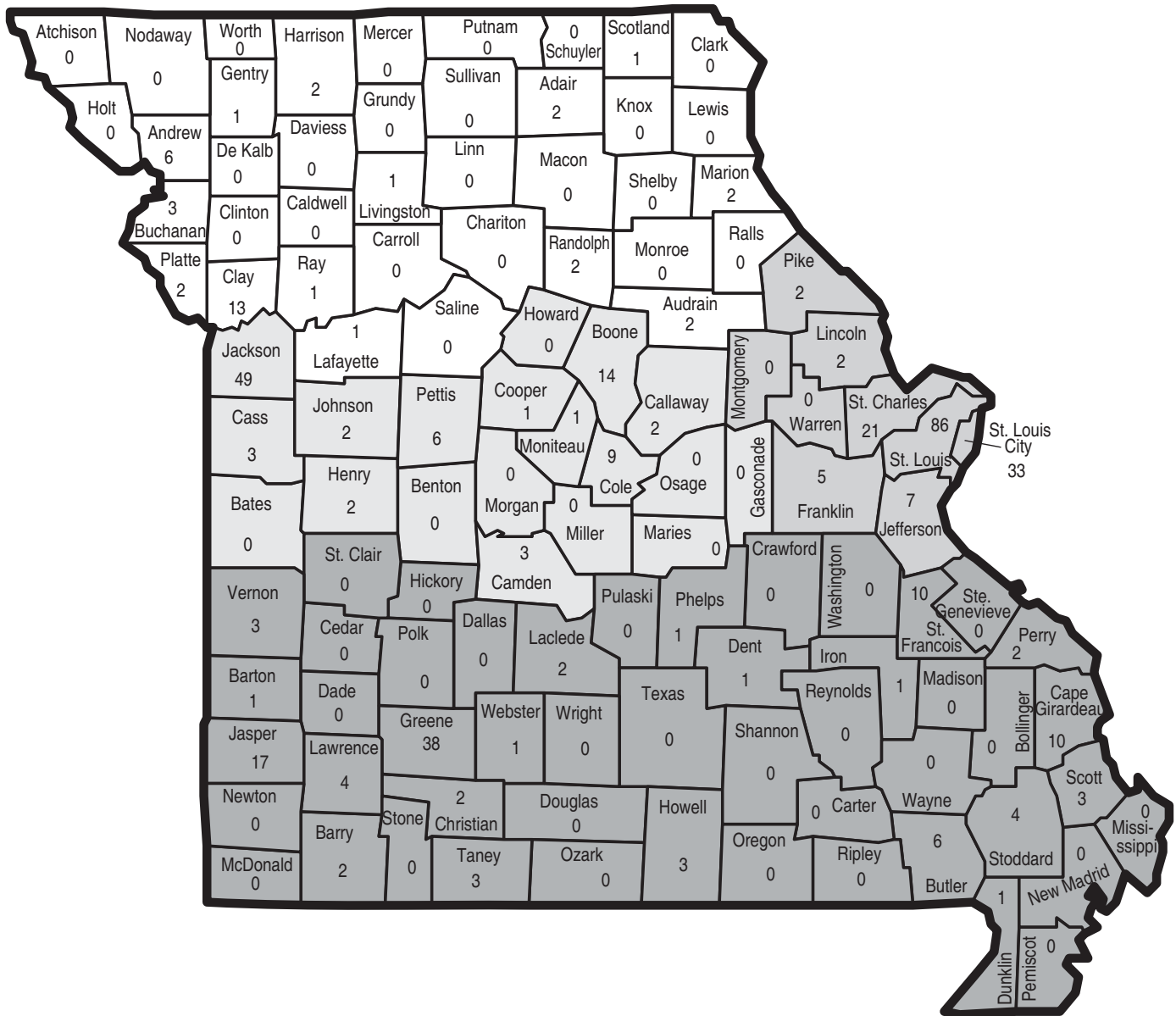
I would also like to address the supervisor's requirements to submit an attestation form within thirty (30) days of completion of registered supervision or upon the termination

of a temporary permit, either by it expiring or the termination of the working relationship. The supervisor must document the supervision and training on the attestation form, regardless of the length of supervision. A permanent license cannot be issued until the attestation is received or if an applicant has changed supervisors, the new temporary permit cannot be issued until our office has received the attestation and the temporary permit license.

The Board would like to remind its licensees that if a hearing instrument specialist allows non-licensed individuals to practice the fitting of hearing instruments, disciplinary action could be taken against their license. The practice of fitting hearing instruments is defined as "the selection, adaptation, and sale of hearing instruments, including the testing and evaluation of hearing by means of an audiometer and the making of impressions for earmolds." This would include non-licensed individuals who work for companies during promotional periods who perform testing in Missouri.

If you have any questions regarding this article, please feel free to contact the board office.

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STATE BOARD REPORT

New Licensees

July 1, 2005 to June 30, 2006

Brittney Baird	Vonda Floyd	Jessica Kerckhoff	Ruth Reeder
Kelly Barrow	Chandra Goodwin	Cynthia Kimball	Lori Ruhl
Charles Brown	Kyle Griffin	Timothy Liddy	Addie Sanchez
Jaime Carmody	Dave Harris	Tina McWhorter	Elizabeth Satchell
Gregory Cazzell	David Heisel	Katie Mille	Baker Shepley, Jr
Kelly Constable	Bradley Jackson	Tiffany Nelson	Kathleen Smith
Tammy Cook	Stanton Jones	Alaina Orr	Katie Turner
Harry Davis	Suzanne Jones	Stanley Petersen	K. David Willhite
Linda Erickson	Tara Kadar	Lauren Pfaender	Jodi Wilske
Jill Firszt	Elizabeth Karlsen	David Powell	Miley Zander

New Temporary Permit Holders

July 1, 2005 to June 30, 2006

Paul Bax	Eric Copeland	Bruce Mayhew	Daniel Sites
Heather Beard	Christopher D'Adam	Alaina Orr	Dustin Spaulding
Dorothy Bull	Terri Davis	Leslie Pappas	Mark Starkey
Jonathan Bushman	Maria Goldenberg	Curtis Prichard	
Charles Cason	Robert Hutchison	Michelle Prichard	
Tammy Cook	Kimberly Lueger	John Schneller	

RECENTLY REGISTERED SUPERVISORS

July 1, 2005 to June 30, 2006

Danny Neill	Phyllis Kessler	Linda Engelmann
James LaMarr	Casey Cordell	Shannon Schneller
Gilbert Phon		

END OF YEAR REPORT - FISCAL YEAR 2006

Board activities as they relate to the hearing instrument specialist profession - 7/1/05 to 6/30/06

Total Number of Licenses - 468
New Licenses Issued - 40
By Examination - 20
By Endorsement - 19
Reciprocity - 1
Temporary Permits Issued - 21
Registration of Supervision
Certificates Issued - 7

Licenses Renewed - 436
Licenses Not Renewed for 2006 - 26

COMPLAINTS

Official Complaints Received - 6
Investigations Conducted - 1
Disciplinary Actions Taken - 2

STATE BOARD REPORT

IMPORTANCE OF PURCHASE AGREEMENTS

As you will notice in the disciplinary section of this newsletter, the Board once again has disciplined licensees for their failure to meet the requirements for purchase agreements. The Board has also reviewed several complaints that the purchase agreements do not meet the standards of Section 346.020, RSMo. The Board statutes and rules specifically outline what is required for a licensee to be in compliance with the requirements pertaining to purchase agreements. If a purchase agreement is reviewed and violations are noted, the license of the hearing instrument specialist is subject to discipline.

The Board suggests that not only should all hearing instrument specialists review Section 346.020 Purchase agreement contents but also that all licensees take the time to review 20 CSR 2165-3.030 Medical Clearance and Waivers and the FDA requirements for the conditions for sale. When the practice of fitting hearing instruments is performed, purchase agreements are required and the above statute and rules must be adhered to.

DISCIPLINARY ACTIONS

All complaints received by the Board are assigned a complaint number. A complaint may be based upon personal knowledge or upon information and belief reciting information received from other sources. The complaints must be made in writing on forms provided by the board and shall fully identify the complainant by name and address. Verbal or telephone communications are not acceptable, but you may request a complaint form by telephone, fill it out and mail it back to the Board. You may also obtain a complaint form from our website, www.pr.mo.gov. In general, the complaint is considered to be a closed record and is not accessible to the public. Any complaint that is received by the Board is acknowledged in writing. The complainant will be notified of the final outcome. Any disciplinary action taken by the Board is a matter of public record. The Board believes publication of disciplinary actions to be in the public interest and has included such in this newsletter. If you have any questions, please contact the Board's office.

DISCIPLINED HEARING INSTRUMENT SPECIALISTS July 2005 - June 2006

VIOLATION - Section 346.105.2(5), (6), and (13), RSMo.

In June 2004, Gary McClung sold a pair of hearing aids to complainant. Mr. McClung informed complainant about a satisfaction guarantee, or trial period, of thirty days in which complainant could return the hearing aids for a refund. The purchase agreement provided in connection with the sale did not include information regarding any trial periods or the lack of a trial period.

BOARD ACTION - Mr. McClung's license was placed on probation for a period of six months. Mr. McClung must also submit a revised purchase agreement to the Board which complies with the requirements of Section 346.020, RSMo.

VIOLATION - Section 346.105.2(5), (6), (10), and (13), RSMo.

In June 2003, Matthew Scaring sold a pair of hearing aids to complainant. Mr. Scaring verbally informed complainant about a satisfaction guarantee, or trial period, of thirty days in which complainant could return the hearing aids for a refund. The length and terms of the trial period provided for the hearing aids were not included in the purchase agreement Mr. Scaring provided to complainant. No medical waiver was a part of or attached to the purchase agreement. Mr. Scaring failed to ensure that the length and terms of the trial period were included in the purchase agreement.

BOARD ACTION - Mr. Scaring's license was placed on probation for a period of one (1) year. Mr. Scaring must also submit a revised purchase agreement to the Board which complies with the requirements of Missouri law.

CONTACT WITH MEMBERS OF THE BOARD

The Missouri Board of Examiners for Hearing Instrument Specialists purpose is to regulate the practice of fitting hearing instruments involving public health, safety and welfare of this state; to protect the inhabitants of this state from harm due to dangerous, dishonest, incompetent or unlawful practice of fitting hearing instruments and to implement and sustain a system of examination and regulation of hearing instrument specialists in training and licensed hearing instrument specialists in this state.

The Board would like to remind you that when Board members are contacted directly by a licensee or individual regarding an application for licensure, a complaint, investigation, or disciplinary process, any information given to that Board member could sway his or her unbiased opinion. A Board member receiving communication that could sway his or her opinion may be required to recuse themselves and not take part in a vote on the matter. This could put the Board member in an awkward position while trying to do his or her job and could put the licensee at a disadvantage.

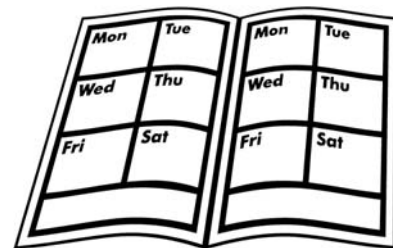
It is strongly encouraged and recommended that all questions and concerns be referred to the Board's office. Board staff handles all the day-to-day functions of the Board. Therefore, questions can be answered based on full Board decisions and lessen miscommunication between the Board and its licensees. If questions are on complex issues, we might recommend requesting, in writing, an advisory opinion from the Board. Our hope is to make it as easy as possible for licensees to comply with Board Statute and Regulations.

Please keep in mind that individual Board members are not authorized to make a decision for the entire Board.

2006 CALENDAR OF EVENTS

The next meeting of the Missouri Board of Examiners for Hearing Instrument Specialist is scheduled on December 1, 2006. The meeting will be held at the Division of Professional Registration, Jefferson City, Missouri. The Practical Examination will be administered after the meeting on December 1, 2006 and if required on December 2, 2006.

For further information regarding meeting dates and times, please feel free to contact the Board's central office at (573) 751-0240. You may also obtain meeting and examination information by visiting our website, www.pr.mo.gov.



STATE BOARD REPORT
**MISSOURI BOARD OF EXAMINERS
FOR HEARING INSTRUMENTS**
3605 MISSOURI BLVD
PO BOX 1335
JEFFERSON CITY MO 65102

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PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS

Name: _____ License Number: _____

Old Address: _____

New Address: _____

Phone Number: _____

Signature: _____ Date: _____

Mail or Fax to:

Missouri Board of Examiners for Hearing Instrument Specialists
3605 Missouri Boulevard, PO Box 1335
Jefferson City, MO 65102
(573) 526-3856 (Fax)